

**GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT**

Revision Petition – Srikakulam District - Revision Petition filed by Smt Allu Swarajyalakshmi, Wife Sri Rama Rao, Resident of Challapeta Rajam Village of Ranasthalam Mandal - Srikakulam district against the orders of the Joint Collector, Srikakulam proceedings Rc.No.3219/ 2001 E2., Dated 11-10-2002 – Case Called for Hearing on 23-01-2010 -- Heard the Case - Revision Petition Dismissed – Orders – Issued.

**REVENUE (ASSIGNMENT –I) DEPARTMENT**

**G.O.Ms.No. 164**

**Dated: 23- 02- 2010**

**Read: the following:-**

- 1) Revision Petition filed by Smt Allu Swarajyalakshmi, Wife Sri Rama Rao, Resident of Challapeta Rajam Village of Ranasthalam Manda - Srikakulam district, Dated 20-04-2003.
- 2) Govt.Memo.No.22422/Assn.I(1)/ 2003-1/. Revenue Department, Dated 13.5.2003
- 3) From the Collector, Srikakulam Dist. Lr.No. 1994 / 03/ E2, Dated. 21-10-2005.
- 4) Notice for hearing in Govt.Memo.No.22423/ Assn.I(1)/ 2005, Revenue Department, Dated 18-08-2006, 13.11.2006, 5.1.2007, 29-01-2007, 31-08-2007, 11-09-2007, 23-10-2007, 23-02-2008, 18-08-2008, 31-10-2009, and last and final Hearing Notice Dated 27-11-2009.
- 5) From the Tahsildar, Ranasthalam Mandal, Srikakulam district, Rx.No.66/ 2005.,A, Dated 12.1.2010 addressed to the Joint Secretary to Government, Revenue (Assignment-I) Dept.

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**ORDER:-**

Smt Allu Swarajyalakshmi, Wife Sri Rama Rao, Resident of Challapeta Rajam Village of Ranasthalam Manda has preferred an appeal against the orders of the Joint Collector, Srikakulam, in his proceedings Rc.No.3219/02/E2, dt.11-10-2002 on the following main grounds:

- (a) The Respondents i.e., Joint Collector,/ RDO/ MRO ought to have seen that the petitioner purchased the land from the legal heirs of the 4<sup>th</sup> respondent for valid consideration of Rs.14,500/- and they were executed a sale deed in favour of the petitioner and paying cist to the Government since the date of purchase the petitioner has been in possession and enjoyment of the land and he is bonafide purchaser.
- (b) The Respondents ought to have seen that as per the law of Adverse possession are cannot claim his own property after 12 years. In the instant case, the lands in question the petitioner has been enjoyed the land since the date of purchase i.e.,3-10-1986 i.e., for the last 16 years without interruption of anybody.
- (c) The 1<sup>ST</sup> Respondent i.e., Joint Collector, ought to have seen that MRO has no right to issue notice after lapse of 12 years and the 4<sup>th</sup> Respondent has also no right to restore the land when the legal heir of the 4<sup>th</sup> Respondent soled the land by way of registered document long back.
- (d) The Respondents ought to have seen that the petitioner by spending huge amount on it by removing bushes, stones, hills etc and make it cultivatable land. Due to increase the market value of the land, the Vendors and their men in order to grab the property, they made a false complaint to the higher authorities, one way or the other to causing wrongful loss to the petitioner and wrongful gain to the vendors.
- (e) Respondents ought to have seen that the Vendors and their Men known fully well that the lands purchased by the petitioner s assigned lands and they stated that the land in question is Zeroiti suppressed the real facts and cheated the petitioner and as well as Government and they sold the land by way of registered document.

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- (f) Respondents ought to have seen that the Vendors and their family have got Ac.50-00 of D-Patta lands to their family members, and also Zeroiti lands and the VM of Challapeta Rajam and his son who is presently working as Asst.Secretary of Mentada village., willfully deceived the Government and obtained D-Pattas by misusing the administrative powers vested on them.
  - (g) The Joint Collector ought to have seen that the petitioner is not having any land and there is no proof that she is rich without looking into the material erroneously held that she is rich.
  - (h) The Respondents ought to have seen that according to Section 5 of the AP Assigned lands POT Act 1977, that the Dist.Collector permission is required for registration of assigned lands by the Registrar prior to the Registration of the lands and in the present case as the Vendor or the Registrar did not intimate to the petitioner .
  - (i) The present case will not attract the provisions of the POT Act.
  - (j) Therefore the petitioner has filed petition before the Government to set-aside the proceedings of the Joint Collector in Rc.No.3219/ 2002/E2., dated 11.10.2002, and the proceedings of the RDO in Rc.No.3619/2001/G, Dated 19.7.2002 and proceedings of the MRO in Rc.No.329/A/2001., Dated 29.11.2001. and to issue pattas in favour of the petitioner.
2. In the reference 2<sup>nd</sup> read above, the Dist.Collector, Srikakulam was requested to send a detailed report along with the connected records to Government, immediately for taking further necessary action on the RP filed by the Applicant.
3. In the reference third read above, the Collector, Srikakulam district has submitted a report to Government, and submitted a Record in D.Dis.No.3219/ 02.

Brief facts of the case are as follows:-

4. As seen from the records of the Joint Collector, Srikakulam, in Proceedings Rc.No.3219/ 2002,E2., Dated 11.10.2002, it was observed that Smt Chilla Suramma, the original assignee is a resident of Ch. Rajam of Ranasthalam Mandal is an Land Less Poor and she was granted D-Form Patta in DC No.12277/ 99 Dated 30.6.1969 by the then Tahsildar, Chipurupalli in Sy.No.33 for an extent of Ac.2-90 Cts. The Assignee is having only one daughter i.e., Smt Baki Asirithalli. After death of Ch.Suramma the legal heir came into possession of the D-Patta land.
5. Smt A. Swarajyalakshmi, (the present Revision petitioner) who is a landed rich tress passed into the D-Patta Land. Then the Respondent approached the MRO, Ranasthalam for delivery of the land immediately. The MRO after thorough enquiry into the matter issued eviction proceedings for eviction on 29-11-2001 directed the appellatant to vacate the land. The MRO has also directed the MRI, and Mandal Surveyor to re-deliver the land and accordingly redelivered the land and delivery receipt given and the fact was published by beat of tom-tom.
6. The RP has suppressed all the facts and filed an Appeal before the RDO, Srikakulam and obtained stay. The RDO, Srikakulam after calling records from the MRO, passed orders confirming the decision of the MRO. The sale documents bearing No.369/ 86 dated 3.10.1986 are only after commencement of POT Act 1977, which are null and void. According to Section 3 of the POT Act, the assigned land alienated after commencement of the Act, has to be restored to the original Assignee or his legal heirs and if any transaction which took place after commencement of the Act is contrary to law. The Original assignee and the legal heir have no lively hood other than the assigne dland. The RDO's decision is correct and the RP filed by the Appeallant was dismissed in the interest of justice. After perusal of the lower court's records, the Joint Collector in his Proceedings 3219/ 2002/E2., Dated 11.10.2002 has uphold the orders issued by the RDO, Srikakulam in Procs No.3619/ 2001, G., Dated 19.7.2002.

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7. The Petitioner has filed an Appeal before the Commissioner of Appeal, Hyderabad and the appeal was rejected on the ground that the Appeal is not maintainable for want of jurisdiction vide CCLA, Ref No. BCW 5/ 18/ 2003., dated 22.1.2003.

8. Aggrieved by the orders of the Joint Collector, Srikakulam, Smt Allu Swarajya Lakshmi alleged purchaser filed RP before the Government.

9. The Collector, Srikakulam has furnished his remarks on grounds of the Revision Petition as follows:

- (a) the contentions of the Revision petitioner are not correct. The Joint Collector, SKLM has passed orders judicially after following the procedure and hence maintainable.
- (b) The Revision Petitioner willfully purchased the land as she well aware that the land is an assigned land and he alleged sale deed is after introduction of Act 9/1977.
- (c) The petitioner cannot claim adverse possession since the alleged transaction itself null and void as per Act 9/1977.
- (d) it is not correct to say that for the fault of others, the petitioner should not be suffered. The Government have in no way concerned in the transaction under took between the Revision Petitioner and the Assignee. The Revision petitioner ought to have ascertain and verify the title and other records before purchasing the said land. The Revision petitioner is well aware that the land is an assigned and land willfully engaged to purchase the land.
- (e) The petitioner has not produced any evidence in his favour.
- (f) The said land purchased by the petitioner against the rules and norms. Since the Revision Petitioner purchased the assigned lands in contravention to Act 9/77 the MRO has rightly took action to resume the lands to the original assignee.

10. The Dist. Collector, SKLM has therefore requested the Government to dismiss the Revision Petitioner filed by the present Revision petitioner.

11. An opportunity of hearing was given to the Petitioner and the case was called for hearing on 18-02-2006,, 02-09-2006, 07-10-2006, 16-12-2006, 27-01-2007, 17-02-2007, 14-09-2007, 27-10-2007, 31-05-2008, and finally on 21-11-2009 23-01-2010 at 4-00 PM.

12. The Advocate for Petitioner, and the Dy.Tahsildar, Ranasthalam Mandal were present.

13. Heard the arguments of the Advocate for the Petitioner, and perused the records submitted by the Collector, Srikakulam.

14. After perusal of the records / reports of the lower courts, it was observed by the Government that the contention of the Revision petitioner is not correct since Section 3 (2) Act 9/77 prohibits transfer of assigned lands by way of sale, gift, mortgage, exchange, lease or otherwise and no right or title in such assigned lands shall vests in any persons acquiring the land. Section 3 (3) of the Act says that any transfer or acquisition made in contravention of provision of Sec.3 (1) and 3 (2) shall be deemed to be null and void.

15. It was also observed that the Revision petitioner is well aware that the land is an assigned and land willfully engaged to purchase the land.

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16. The petitioner has not produced any evidence in his favour. The said land purchased by the petitioner against the rules and norms. Since the Revision Petitioner purchased the assigned lands in contravention to Act 9/77, the MRO has rightly resumed the lands to the original assignee. Therefore the Revision Petition deserves no consideration and liable to be dismissed.

17. Accordingly, the Revision Petition by Smt Allu Swarajya lakshmi, Wife of Sri Rama Rao, Resident of Chillapeta Rajam Village of Ranasthalam Mandal - Srikakulam district is hereby dismissed.

18. The District Collector, Srikakulam shall take necessary action.

19. The Original records sent by the Collector, Srikakulam in D.Dis.No.32192002, containing NF-10 Pages / CF 1-126 are herewith returned to the District Collector, Srikakulam, and he is requested to acknowledge the same.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)**

**RAJESHWAR TIWARI  
SECRETARY TO GOVERNMENT**

To

The District Collector, Srikakulam.

(with the Original Records)

Smt Allu Swarajyalakshmi, Wife Sri Rama Rao, Resident of Challapeta Rajam Village of Ranasthalam Mandal - Srikakulam district

Sri Aravala Rama Rao, Advocate,

12-2-617/A/6, Gudimalkapur, Mehdipatnam, Hyderabad. 500 028.

Copy to the Commissioner, Appeals, O/o the CCLA, Hyderabad.

Copy to the Joint Collector, Srikakulam district.

Copy to the Tahsildar, Ranasthalam Mandal, Srikakulam district.

Copy to the PS to Secretary to Govt.(RT), Revenue Dept.

**Stock-file.**

**// FORWARDED :: BY ORDER//**

**SECTION OFFICER**